

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF OHIO**

**JUDGMENT IN A CIVIL CASE**

**KEVIN L. TUCKER,**

**Plaintiff,**

**vs.**

**Civil Action 2:07-CV-1071**

**Judge Marbley**

**Magistrate Judge King**

**MICHAEL J. ASTRUE, Commissioner**  
**of Social Security,**

**Defendant.**

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

☒ **Decision by Court.** This action was decided by the Court without a trial or hearing.

IT IS ORDERED AND ADJUDGED That pursuant to the February 26, 2009 Order, the Report and Recommendation is ADOPTED and AFFIRMED. The decision of the Commissioner is REVERSED and this action is hereby REMANDED to the Commissioner of Social Security, pursuant to Sentence 4 of 42 U.S.C. §405(g), for further consideration of plaintiff's ability to use his hands.

**Date: February 26, 2009**

**James Bonini, Clerk**

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s/Betty L. Clark

Betty L. Clark/Deputy Clerk